

## **REMARKS**

### **Status of the Claims:**

Claims 26-39 received a final rejection on August 17, 2009. These claims have been cancelled here and new claims 40-50 are presented in this RCE Response.

### **Claim Rejections - 35 U.S.C. § 102:**

Claims 26-33 were finally rejected under 35 U.S.C. 102(b) as being anticipated by Keller. In view of the cancellation of these claims, this rejection is now moot.

This rejection should not be repeated against the new claims for at least the following reasons:

- (1) Keller does not teach the three steps of the claimed method.
- (2) Keller does not teach a toothbrush wherein each bristle of the toothbrush comprises ribs and grooves.
- (3) Keller does not teach a proxy brush wherein each bristle of the brush comprises ribs and grooves.
- (4) Keller does not teach a toothpaste containing an emulsion of nonionic surfactants and polydimethylsiloxanes and soft abrasives.
- (5) Keller does not teach a proxy gel containing an emulsion of nonionic surfactants and polydimethylsiloxanes and soft abrasives.
- (6) Keller does not teach a dental floss or a dental tape containing an emulsion of nonionic surfactants and polydimethylsiloxanes and releasable soft abrasives.

Accordingly, Applicant submits that Keller does not anticipate the new claims.

**Claim Rejections - 35 U.S.C. § 103:**

Claims 26-39 were finally rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (US 5,129,824) in view of Hill (US 5,993,784) and Aberg et al. (US 5,807,541). In view of the cancellation of these claims, this rejection is now moot.

This rejection should not be repeated against the new claims for at least the following reasons:

- (1) The cited art does not teach or suggest the complete invention claimed herein, namely the “three steps” of the claimed method.
- (2) Step (a) uses a specific type of toothbrush, with a specific type of toothpaste to remove biofilm from supragingival tooth surfaces.
- (3) Step (b) uses a specific type of proxy brush, with a specific type of proxy gel to remove biofilm from interproximal tooth surfaces. A proxy brush is a specific instrument, designed to go between the teeth and clean those tooth surfaces. A proxy brush is not a traditional toothbrush – which cleans only the outer surfaces of the teeth.
- (4) Step (c) uses a specific dental floss or dental tape to remove biofilm from both interproximal and subgingival tooth surfaces.
- (5) Keller teaches the removal of biofilm with a toothbrush and floss. Keller teaches nothing about the use of a proxy brush and/or proxy gel to remove biofilm from interproximal tooth surfaces.
- (6) Hill teaches the use of a ribbed & grooved bristle tooth brush to clean the supragingival surface of the tooth. Hill likewise teaches the use of a soft

abrasive toothpaste. Hill teaches nothing about the use of a proxy brush and/or proxy gel to remove biofilm from interproximal tooth surfaces.

(7) Aberg teaches a method of reducing dental caries/cavities by administering toothpaste with a medicament such as NSAIDs for treating periodontal disease. Aberg teaches nothing about the use of a proxy brush and/or proxy gel to remove biofilm from interproximal tooth surfaces.

Accordingly, Applicant submits that the combination of Keller, Hill and Aberg fails to make out a *prima facie* case of obviousness.

**Conclusion:**

The claimed invention has three steps, with three different dental devices being used. The cited art teaches only two of the devices, not all three. The claims are thus patentable over the teachings of this art. Allowance of the claims is respectfully requested.

Respectfully submitted,

/Ernest V. Linek/

---

Ernest V. Linek (Reg. No. 29,822)